

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.7.2016

CORAM

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN**

H.C.P.No.1397 of 2016

S.Monisha Margreat

..... Petitioner

Vs

1. The State rep. by
The Inspector of Police,
W-6,Kolathur Police Station,
Chennai-600 099.

2. K.Usha

3. R.Ashok

4. Mrs.A.Srinidhi

5. Mrs.A.Kala alias Renuka

6. V.Sridhar

..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to produce or to secure body of the detenu, the husband of the petitioner namely Anand, s/o Late Rajmohan Reddy aged about 32 years before this Court and set him at liberty.

For Petitioner : Mr. R.Y.George Williams

For R1 : Mr. V.M.R.Rajentren APP

ORDER

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner claims to be the wife of one Mr. Anand s/o Rajmohan Reddy. According to the petitioner, by suppressing the fact that Mr. Anand was already married, the marriage between the petitioner and Anand was celebrated. According to the petitioner, having come to know that she had been cheated by Mr.Anand, she made a complaint to the police on 05.03.2016 itself. Since there was no case registered on the same, she filed CrI.O.P.No.6030 of 2016 seeking direction to the Inspector of Police, W-7 Anna Nagar Police Station, Chennai to register a case against the petitioner. When that petition came up for hearing before the learned single Judge, this Court on 21.3.2016, it was submitted by the learned Additional Public Prosecutor that the whereabouts of Mr.Anand was not known.

2. Recording the same, the learned single Judge directed the police to enquire the matter as expeditiously as possible and follow the direction issued by the Hon'ble Supreme court in Lalitha Kumari Vs. Govt. of U.P and

others reported in 2013 (4) Crimes 243 (SC).

3. According to the petitioner, even after the said order of this Court, though case has been registered, so far, her husband has not been secured by the police. With this grievance, the petitioner is before this Court.

4. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State. We have also perused the records carefully.

5. A perusal of the representation made by the petitioner on 03.6.2016 would go to show that there is matrimonial dispute between the petitioner and her husband. The petitioner even disputed the validity of the said marriage. The request of the petitioner is to enquire the relatives of Mr.Anand about the same.

6. In our considered view, the dispute is purely matrimonial in nature which can be resolved only by a competent civil court on evidence being let in by both parties and the same cannot be resolved under the Habeas Corpus jurisdiction. Therefore, no relief as sought for by the petitioner could be given in this petition.

**S.NAGAMUTHU J.,
AND
V.BHARATHIDASAN, J.**

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7. In the result, this Habeas Corpus Petition is dismissed.

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(S.N.J.,) (V.B.D.J.,)
18.7.2016

To

1. The Inspector of Police,
W-6, Kolathur Police Station,
Chennai-600 099.

2. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1397 of 2016